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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PAYNE, DAVID C

ART UNIT PAPER NUMBER

2638

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,837

Applicant(s)

AUSTIN, JOHN T.

Examiner

David C. Payne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "second teleport station coupled to the first teleport station through said optical fiber network and said satellite" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Response to Arguments

3. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adiwoso et al. US 6,067,453 (Adiwoso) in view of Ionov et al. US 6,912,075 B1 (Ionov).

Re claim 1, 8 and 10, Adiwoso disclosed

A communications system comprising:

a first teleport station; (30 of Figure 1, "gateway" 30a, see Adiwoso col. 4 lines 59-67)

a first user terminal; (20a of Figure 1, see Adiwoso col. 5 lines 30-50)

a satellite (12 of Figure 1, see Adiwoso col. 4 lines 30-40) coupling the first teleport station (30) to the first user terminal (20a); and

a network access point (37 of Figure 1, "IAP", see Adiwoso col. 5 lines 1-5) coupled to the Internet and the first teleport station (20a).

Adiwoso does not explicitly disclose the network access point (37) coupled to the first teleport station (30) through an optical fiber. Ionov disclosed a satellite (Figure 2) connected to a fiber optic link for connecting to other satellites (see Ionov col. 2 lines 12-35) and the network such as for transmitting Internet traffic (see Ionov col. 5 lines 47-55). It would have been obvious to one of ordinary skill in the

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art at the time of invention to connect the Adiwoso gateway (30) to the Internet access point (37) via fiber similar to how the Ionov satellite has fiber connections. One is motivated as such since fiber helps alleviate the traffic bottlenecks as disclosed in Ionov, see col. 2 lines 1-5.

Re claim 2, Adiwoso disclosed the aforementioned invention but not the use of the Ka band.

Ionov disclosed using the Ka band, see Ionov col. 1 lines 35-45. It would have been obvious to one of ordinary skill in the art at the time of invention to use Ka band to increase the frequency and use more satellites, see Ionov col. 1 lines 35-45.

Re claims 3, and 5-7, the modified invention of Adiwoso and Ionov disclosed multiple satellite stations connected via fiber links, see Ionov col. 2 lines 30-35, which are connected over distances.

6. Claims 1, and 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon et al. US 5852721 (Dillon) in view of Ionov et al. US 6912075 B1 (Ionov).

Re claim 1, 8 and 10, Dillon disclosed

A communications system comprising:

a first teleport station; (170 of Figure 1)

a first user terminal; (110 of Figure 1)

a satellite (175 of Figure) coupling the first teleport station (170) to the first user terminal (110); and

a network access point (150 of Figure 1) coupled to the Internet (128) and the first teleport station (170).

Dillon does not explicitly disclose the network access point (150) coupled to the first teleport station (170) through an optical fiber. Ionov disclosed a satellite (Figure 2) connected to a fiber optic link for connecting to other satellites (see Ionov col. 2 lines 12-35) and the network such as for transmitting Internet traffic (see Ionov col. 5 lines 47-55). It would have been obvious to one of ordinary skill in the art at the time of invention to connect the Dillon teleport station (170) to the Internet access point

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(150) via fiber similar to how the Ionov satellite has fiber connections. One is motivated as such since fiber helps alleviate the traffic bottlenecks as disclosed in Ionov, see col. 2 lines 1-5.

Re claims 3, and 5-7, the modified invention of Dillon and Ionov disclosed multiple satellite stations connected via fiber links, see Ionov col. 2 lines 30-35, which are connected over distances.

Re claim 4 and 9, disclosed routing over fiber in the event of satellite failure in the aforementioned invention but not routing through satellite in the event of fiber failure. However, Dillon disclosed routing over fiber in the event of failure in the satellite link as well as the ability to specify transmission on either link on "the fly", see Dillon col. 14 lines 35-60. It is also well understood, that satellites generate spot beams.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Toporek et al. US 6460085 B1 disclosed a internet satellite delivery system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Payne whose telephone number is (571) 272-3024. The examiner can normally be reached on M-F, 7a-4p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dcp


David C. Payne
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AU 2638